

April 22, 2005

EVAN SPERLING
19840 SAINT ANDREWS DRIVE NW
SOAP LAKE WA 98851

Subject: Complaint filed against Teddy E. Chow - PDC Case No. 05-026

Dear Mr. Sperling:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received on August 30, 2004, alleging that Teddy E. Chow, a candidate for Grant County Superior Court Judge, sponsored political advertising that included a false claim of endorsement, in violation of RCW 42.17.530.

The PDC staff reviewed your allegations in light of the following statute:

RCW 42.17.530 prohibits a person from sponsoring with actual malice political advertising that contains a false or implied endorsement of any person or organization, when in fact they do not have that endorsement. "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity. Any violation must be proven by clear and convincing evidence.

You alleged that Teddy Chow sponsored political advertising in the form of a campaign web site that contained a false claim of endorsement by two local detachments of the Washington State Patrol.

We found that:

- On August 5, 2004, Mr. Chow filed a Candidate Registration Statement declaring his candidacy for Grant County Superior Court Judge.
- An initial website political advertisement sponsored by the Teddy Chow campaign contained the following statement: "*Endorsed by: The Washington State Patrol Ephrata and Moses Lake Detachments.*" The endorsement was not included in any political advertising that was mailed.
- Mr. Chow received a call from Lieutenant Brown of the Washington State Patrol (WSP), informing him that the two WSP detachments in Grant County listed on his campaign web site are part of a governmental agency and are prohibited from endorsing candidates or ballot propositions. The campaign was made aware that if an endorsement had been made, it would have been from the Washington State Patrol Troopers Association (WSPTA), a private

organization. The WSPTA is a statewide association that does not have formal local associations.

- The Chow campaign corrected its campaign web site prior to August 30, 2004 to read, "*Endorsed by the Local Washington State Patrol Troopers Association.*"
- Mr. Chow provided an email he received from Jon Martin, an elected WSPTA representative for Grant, Chelan, Douglas, Okanogan, Kittitas, and part of Adams counties, clarifying that in local races, local members of the WSPTA can and do endorse candidates for public office. Mr. Martin stated that although it is an informal process, once a majority of the local members decide to endorse a candidate, the candidate is informed of the endorsement. Mr. Martin stated that is what happened in the case of Mr. Chow receiving the endorsement of the local members of the WSPTA.

Based on conversations with troopers from the Ephrata and Moses Lake Detachments, Mr. Chow believed he had the endorsement of the local members of the statewide association. When informed that his advertising implied an endorsement by the WSP, a governmental agency, he took corrective action. However, his corrective action failed to distinguish that the endorsement was from the local members of the Washington State Patrol Troopers Association and not from a formal local association.

Although the corrected endorsement language implied that there is a formal local association for the troopers who are part of the Ephrata and Moses Lake detachment, there is no evidence that Mr. Chow acted with actual malice when he posted the initial endorsement or when he corrected the endorsement to his campaign web site. In both his initial posting, and in his correction to his web site, Mr. Chow attempted to state that he had the endorsement of the local troopers who belonged to the WSPTA. The endorsement was not used in political advertising other than being posted to his web site. Mr. Chow will be cautioned to exercise care and diligence when describing endorsements in future political advertising to make it clear who is endorsing him.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Teddy Chow.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: Teddy Chow